

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, THE
EMPLOYEES RETIREMENT SYSTEM OF THE
GOVERNMENT OF THE COMMONWEALTH OF
PUERTO RICO, AND THE PUERTO RICO PUBLIC
BUILDINGS AUTHORITY,

Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**UNOPPOSED URGENT MOTION FOR LEAVE TO FILE OMNIBUS REPLY AND
EXCEED PAGE LIMIT WITH RESPECT TO OBJECTIONS TO OPPOSITIONS FILED
TO MOTION DATED FEBRUARY 1, 2022, FOR STAY PENDING APPEAL, FILED BY
THE TEACHERS' ASSOCIATIONS**

TO THE HONORABLE COURT:

COME NOW, Federación de Maestros de Puerto Rico, Inc., Grupo Magisterial
Educadores(as) por la Democracia, Unidad, Cambio, Militancia y Organización Sindical, Inc., and
Unión Nacional de Educadores y Trabajadores de la Educación, Inc., (collectively as "Teachers'
Associations"), as a creditors and parties in interest, by and through the undersigned counsel, and

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283- LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

hereby file this urgent motion (“Urgent Motion”) requesting entry of an order, substantially in the form attached hereto as Exhibit A, allowing the Teachers’ Associations to file a single Omnibus Reply, in excess of page limit, to Oppositions filed to Motion dated February 1, 2022, for stay pending appeal, filed by the Teachers’ Associations. In support of this Urgent Motion, the Teachers’ Associations respectfully state as follows:

JURISDICTION AND VENUE

1. The United States District Court for the District of Puerto Rico has subject-matter jurisdiction over this matter pursuant to Section 306(a) of PROMESA. Venue is proper pursuant to Section 307(a) of PROMESA.

RELIEF REQUESTED

2. The Teachers’ Associations respectfully request that they be allowed to exceed the page limit for Replies laid out in the Amended Case Management Procedures Order² and instead be allowed to file a single Omnibus Reply of no more than fifty-five (55) pages, exclusive of the cover page, tables of contents and authorities, signature pages, exhibits, and the certificate of service.

BASIS FOR RELIEF REQUESTED

3. Pursuant to paragraph I.E of the Amended Case Management Procedures, memoranda of law in support of Replies are limited to fifteen (15) pages, unless “prior permission has been granted” to exceed that limit.

4. On February 1st, 2022, the Teachers’ Associations filed the *Teachers’ Associations’ Motion for Stay Pending Appeal Regarding: Order and Judgment Confirming Modified Eighth Amended Title III Joint Plan of Adjustment of the Commonwealth of Puerto Rico, the Employee*

² See ECF No. 17127 in Case No. 17-03282-LTS, *Order Further Amending Case Management Procedures*.

Retirement System of the Government of The Commonwealth of Puerto Rico, and the Puerto Rico Public Buildings Authority [Docket No. 19813] at ECF No. 19969.

5. Pursuant to this Court's Briefing Schedule Order,³ on February 9, 2022, the following oppositions were filed: **(1)** *Motion to Correct and Replace Opposition of the Commonwealth of Puerto Rico, The Employees Retirement System of the Government of the Commonwealth of Puerto Rico, and the Puerto Rico Public Buildings Authority to Motion Dated February 1, 2022, for Stay Pending Appeal* (ECF No. 20085), filed by the Financial Oversight and Management Board for Puerto Rico ("Oversight Board"), as the sole Title III representative of the Commonwealth of Puerto Rico, the Employees Retirement System of the Government of the Commonwealth of Puerto Rico, and the Puerto Rico Public Buildings Authority, pursuant to Section 315(b) of the Puerto Rico Oversight, Management, and Economic Stability Act ("PROMESA"); **(2)** *Opposition of PSA Creditors to Teachers' Associations' Motion for Stay Pending Appeal* (ECF No. 20081), filed by the Ad Hoc Group of Constitutional Debtholders, the Lawful Constitutional Debt Coalition, the QTCB Noteholder Group, the Ad Hoc Group of General Obligation Bondholders, Assured Guaranty Corp. and Assured Guaranty Municipal Corp., and National Public Finance Guarantee Corporation, Financial Guaranty Insurance Company, and Ambac Assurance Corporation; **(3)** *Opposition to Teachers Associations' Motion for Stay Pending Appeal* (ECF No. 20077), filed by Salud Integral de la Montaña, Inc.; **(4)** *Qualified Objection to Motion For Stay Pending Appeal* (ECF No. 20079), filed by Finca Matilde, Inc. All parties hereinafter are referred to as the "Opposing Parties".

6. The Teachers' Associations respectfully submit that an adequate discussion of the numerous arguments raised by the Opposing Parties in their respective oppositions warrants an

³ See ECF No. 19978.

extension of that page limitation. The Opposing Parties raise various legal issues and allegations that require complete responses.

7. In order to ensure a more comprehensive discussion of all the arguments in reply and facilitate this Court's review of the filings, the Teachers' Associations propose filing an Omnibus Reply rather than filing separate replies for each of the Opposing Parties oppositions.

8. Accordingly, the Teachers' Associations respectfully request authorization to file a single Omnibus Reply of no more than fifty-five (55) pages, exclusive of the cover page, tables of contents and authorities, signature page, exhibits, and certificate of service. The Teachers' Associations submit that this request is reasonable and appropriate in light of the circumstances described above.

9. Pursuant to Section I.H. of the Amended Case Management Procedures, the undersigned counsel certifies that it has engaged in reasonable, good-faith communications with counsel to other interested parties. Moreover, in accordance with Local Bankruptcy Rule 9013-1(a)(2), undersigned counsel certifies that counsel has carefully examined the matter and concluded that there is a true need for expedited consideration of the Urgent Motion, and that the Teachers' Associations have not created the urgency through lack of due diligence on their part. **Counsel for the Oversight Board and Salud Integral de la Montaña, Inc. stated that they had no objection to the relief requested herein.**⁴

⁴ Counsel for the Teachers' Associations emailed all counsel for the Opposing Parties on February 10th, 2022, to confer on the request to file an Omnibus Reply in excess of the page limit for fifty-five (55) pages. The Teachers' Associations do not anticipate objections to this request from the Opposing Parties.

CERTIFICATE OF SERVICE

10. On this same date, this Urgent Motion has been electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all participants and attorneys of record.

WHEREFORE, the Teachers' Associations respectfully request that this Court enter an order substantially in the form attached hereto as Exhibit A granting the relief requested herein and granting such other relief as this Court deems just and proper.

RESPECTFULLY SUBMITTED.

In Ponce, Puerto Rico, this 12th day of February 2022.

/s/Jessica E. Méndez-Colberg
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